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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,630	11/15/2003	Colin David Rickson	741004.1013	2412
41226	7590	06/06/2006	EXAMINER	
POLLACK, P.C. THE CHRYSLER BUILDING 132 EAST 43RD STREET, SUITE 760 NEW YORK, NY 10017			TANNER, HARRY B	
			ART UNIT	PAPER NUMBER
			3744	

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/713,630	Applicant(s) RICKSON, COLIN DAVID	
	Examiner Harry B. Tanner	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Applicant's election of the invention of Group I in the reply filed on 2/9/06 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 18-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 2/9/06.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Jurewicz et al (5,499,512). Jurewicz discloses an thermally insulated container with sensors 48, 34 for measuring selected environmental conditions of the payload, means 36 for recording the data and means for transmitting the data to a remote computer 42 using a telecommunications network 46.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jurewicz et al (5,499,512) as applied to claim 1 above and further in view of Brendel et al

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(6,318,100). Brendel teaches the use of ambient temperature sensors in a transport unit in order to control power consumption and temperature of the payload (see col. 2, lines 8-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Jurewicz such that it included the use of ambient temperature sensors in order to control power consumption and temperature of the payload in view of the teachings of Brendel.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jurewicz et al (5,499,512) as applied to claim 1 above, and further in view of Singh et al (6,675,591). Singh et al (6,675,591) teaches the use of recorded temperature related data in order to calculate remaining lifetime of an item in the payload (see col. 14, lines 25-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Jurewicz such that it included the use of recorded temperature related data in order to calculate remaining lifetime of an item in the payload in view of the teachings of Singh et al (6,675,591).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jurewicz et al (5,499,512) as applied to claim 1 above, and further in view of Singh et al (6,892,546). Singh et al (6,892,546) teaches the use of cellular phones in order to provide a communication network for monitoring the condition of refrigerated items at a remote location (see col. 4, lines 34-43). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Jurewicz such that it included the use of cellular phones in order to provide a

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communication network for monitoring the condition of the payload in view of the teachings of Singh et al (6,892,546).


Claims 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jurewicz et al (5,499,512) as applied to claim 1 above, and further in view of Forster et al (6,281,797). Forster teaches the use of means to deactivate a telecommunication device in response to acceleration sensors 118e, pressure sensors 118c, position location equipment 118a and means to detect the frequency of electrical systems (see col. 9, line 35 to col. 12, line 61) in order to prevent transmission inside or near aircraft. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Jurewicz such that it included the use of means to deactivate a telecommunication device in response to acceleration sensors, pressure sensors, position location equipment and means to detect the frequency of electrical systems in order to prevent transmission inside or near aircraft in view of the teachings of Forster et al (6,281,797).

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jurewicz et al (5,499,512) as applied to claim 1 above, and further in view of Modler et al. Modler teaches the use of a heat reservoir 11 and means 65 to control the flow of heat to the reservoir in order to maintain the temperature of a payload. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Jurewicz such that it included the use of a heat reservoir and means to control the flow of heat to the reservoir in order to maintain the temperature of a payload in view of the teachings of Modler.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry B. Tanner whose telephone number is (571) 272-4813. The examiner can normally be reached 8:30 am to 5:00 pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler, can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Harry B. Tanner", is positioned above the printed name.

Harry B. Tanner
Primary Examiner
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